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Agenda item 78
**Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

**Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, *New Zealand, Norway, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yugoslavia: draft resolution**

## Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

*The General Assembly,*

*Recalling* its resolution 55/37 of 20 November 2000 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

*Recalling with satisfaction* the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions of the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

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* Reissued for technical reasons.

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

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*Also recalling with satisfaction* the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2] and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] which entered into force on 30 July 1998 and 3 December 1998, respectively,

*Welcoming* the additional ratifications and acceptances of or accessions to the Convention, as well as the ratifications and acceptances of or accession to the amended Protocol II and Protocol IV,

*Recalling also* the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

*Recalling* that the States parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts on the United Nations and other organizations to address all problems of landmines,

*Commending* the efforts of the Secretary-General and the President of the Annual Conference towards the promotion of the goal of universality of amended Protocol II,

*Noting* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols,

*Noting* that, in accordance with article 13 of the amended Protocol II, a conference of States Parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues in relation to the Protocol,

*Noting further* that the rules of procedure of the first annual conferences of High Contracting Parties to Protocol II provide for the invitation of States not Party to the Protocol, the International Committee of the Red Cross, as well as interested non-governmental organizations to take part in the conference,

*Welcoming* the particular efforts by the International Committee of the Red Cross in raising awareness of the humanitarian consequences of explosive remnants of war,

*Welcoming* the results from the Second Annual Conference of States Parties to Amended Protocol II, held at Geneva from 11 to 13 December 2000,[4]

*Recalls* the decision of States parties to the Convention to convene the next Review Conference from 11 to 21 December 2001, preceded by three sessions of the

[2] CCW/CONF.I/16 (Part I), annex A.
[3] Ibid., annex B.
[4] See CCW/AP.II/CONF.2/--.

preparatory committee, held on 14 December 2000, from 2-6 April 2001 and from 24-28 September 2001 respectively,

*Welcoming* the convening, in the context of the preparatory process, of the informal open-ended consultations of the States parties to the Convention and other interested States at Geneva from 27 to 31 August 2001, which provided for structured discussions, building on work by the respective Friends of Chairs on several issues pertaining to the Second Review Conference of the States Parties to the Convention and its Preparatory Committee,

1. *Calls* upon all States that have not yet done so to take all measures to become parties as soon as possible, to the Convention and the Protocols thereto, in particular the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

2. *Calls upon* all States Parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention;

3. *Welcomes* the convening on 10 December 2001 of the Third Annual Conference of States Parties to Amended Protocol II, in accordance with article 13 thereof, and calls upon all States parties to amended Protocol II to address at that meeting, inter alia, the issue of holding the fourth annual conference in 2002;

4. *Welcomes* the proposal contained in the Final Declaration of the First Review Conference adopted by consensus on 3 May 1996[5] that the next Review Conference would consider the question of eventual further measures in relation to other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects;

5. *Notes* therefore the proposals put forward by States Parties and the ICRC for consideration by the 2001 Review Conference, inter alia, the following issues:

(a) Compliance procedures and mechanisms;

(b) Explosive remnants of war;

(c) Extension of the scope of application of the Convention and its Protocols to non-international armed conflicts;

(d) Landmines other than anti-personnel mines;

(e) Small-calibre ammunitions;

6. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Second Review Conference of the States Parties to the Convention as well as for any possible continuation of work after the Conference, should the States Parties deem it appropriate;

7. *Also requests* the Secretary-General, in his capacity as depository of the Convention and the Protocols annexed thereto, to continue to inform the General

[5] CCW/CONF.I/--.

Assembly periodically of ratifications and acceptances of and accession to the Convention and the Protocols thereto;

8. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".